

I believe Chief Justice Stone once referred to it as the residual amendment, and I think that is a true description of it. Whatever is not delegated to the federal government, of course, is reserved to the states and the people, and the Tenth Amendment states that explicitly in the Federal Constitution, where it should be stated.

We add nothing to that statement. We add not one bit by way of extension or application or interpretation of the Tenth Amendment by restating it in our own constitution, and as a companion deletion to section 1. I urge the deletion of section 2.

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, ladies and gentlemen of the Committee, I must agree with what Delegate Scanlan says. However, there are members of the Committee who felt that this was a right that perhaps ought to be included. They may want to speak against the amendment.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Weidemeyer, do you desire to speak in opposition?

DELEGATE WEIDEMEYER: Mr. President, I do.

THE CHAIRMAN: You may speak.

DELEGATE WEIDEMEYER: I saw the last amendment railroaded through here because of Delegate Scanlan's fine oratory, but in this instance, while I sat idly by in the first instance, I am not sitting idly by now.

If we do not adopt this because one might say it is redundant, if we do not put this concept in our constitution, then I say we have ignored our reason for being here.

This is the Tenth Amendment of the Constitution of the United States. It cannot hurt anybody except the cost of printing this little paragraph. If you do not like this amendment in the Constitution of the United States, then you ought to tell Congress so, but I think we ought to say to the people of Maryland that we believe in the Tenth Amendment of the United States and we reaffirm the Tenth Amendment of the United States which says that all powers not delegated to the federal government by the Constitution of the United States, nor prohibited by the Constitution of the United States to the states, are reserved to the states and the people and it is under those

reserve powers and under this that we are now acting to write our constitution.

I say it is a very important concept and our reason for writing this constitution, is that we clearly state and reaffirm the Tenth Amendment of the United States by a language including it in our document and show our people of Maryland what we are acting on. We are acting on those reserve powers stated by this section 2. Let us let our people know and let ourselves know why we are here. I am opposed to the amendment.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the Amendment?

Is there any other discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 2 to Committee Recommendation R&P-1.

A vote Aye is a vote in favor of Amendment No. 2. A vote No is a vote against.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 86 votes in the affirmative and 31 in the negative, the motion carries. The amendment is adopted.

Delegate Scanlan, do you desire to offer your amendment O?

DELEGATE SCANLAN: While the dice are hot, I might as well go.

THE CHAIRMAN: The pages will distribute amendment O.

DELEGATE KIEFER: Mr. Chairman.

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, do these have numbers?

THE CHAIRMAN: The amendment that is now being distributed will be Amendment No. 3. The others were one and two, respectively. This will be Amendment No. 3.

The Clerk will read the amendment.